

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:24-CV-00063-FDW-DCK**

JOSEPH A. NESBITT, II,

Plaintiff,

v.

ALEJANDRO MAYORKAS,

Defendant.

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ORDER

THIS MATTER is before the Court *sua sponte* concerning the status of this case. Plaintiff filed his *pro se* Complaint and Motion to Proceed *in forma pauperis* on January 18, 2024. (Doc. Nos. 1–2.) On January 22, 2024, the Court issued an Order, granting Plaintiff’s Motion to Proceed *in forma pauperis* and dismissing Plaintiff’s Complaint. (Doc. No. 3.) The Court allowed Plaintiff twenty-one (21) days to file a superseding Amended Complaint. (Id.) On February 16, 2024, twenty-five (25) days after entry of the Court’s Order, Plaintiff filed an “Email/Letter.” (Doc. No. 4.) Plaintiff’s “Email/Letter” lists a series of chronological events he claims occurred during his employment at Charlotte-Douglas Airport. (Id.)


A *pro se* complaint must be construed liberally. See Haines v. Kerner, 404 U.S. 519, 520 (1972); see also Smith v. Smith, 589 F.3d 736, 738 (4th Cir. 2009) (“Liberal construction of the pleadings is particularly appropriate where . . . there is a *pro se* complaint raising civil rights issues.”). “The special judicial solitude with which a district court should view . . . *pro se* complaints does not transform the court into an advocate. Only those questions which are squarely presented to a court may properly be addressed.” Weller v. Dep’t of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990).

The Court gave Plaintiff twenty-one days to file a superseding Amended Complaint. To date, Plaintiff has not done so. As explained in its previous Order, the Court cannot construct claims for a party. (Doc. No. 3., p. 3.)

IT IS THEREFORE ORDERED that Plaintiff shall have twenty-one (21) days of this Order (specifically **on or before November 19, 2024**) to file a superseding Amended Complaint in accordance with this Order and the Court's previous Order, (Doc. No. 3). If Plaintiff fails to **timely** comply with this Order, this case **will be dismissed and closed without further notice.**

IT IS SO ORDERED.

Signed: October 29, 2024


Frank D. Whitney
United States District Judge

